

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 10.59.103 pertaining to the)	AMENDMENT
Montana School for the Deaf and)	
Blind Foundation)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On September 11, 2014, the Board of Public Education proposes to amend the above-stated rule.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on September 4, 2014, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Director, Board of Public Education, 46 N. Last Chance Gulch, Helena, Montana, 59601; telephone (406) 444-0300; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

10.59.103 CONTENTS OF THE CONTRACT (1) The contract between the Board of Public Education and the foundation must require the foundation to have:

- (a) Aarticles of incorporation which without limitation stipulate that: the
 - (i) ~~The board of public education shall have one of its members serve as a member of the board of directors of the foundation for the duration of his term as board of public education member; and~~
 - (ii) ~~The~~ superintendent of the school for the deaf and blind shall by virtue of his the office be one of the directors of the foundation until ~~his~~ a successor is duly appointed;
- (b) ~~B~~bylaws which without limitation cover selection of officers, meetings, compensation for services, and amendment procedures; and
- (c) ~~P~~policy which covers the acceptance, management, and expenditure of foundation property, proceeds, interest, and income.

AUTH: 20-8-103, MCA
IMP: 20-8-111, MCA

REASON: The Board of Public Education strongly supports the Montana School for the Deaf and Blind (MSDB), the Foundation, and all its students. However, board members reside all across the state making it difficult to travel to Great Falls for meetings in addition to regularly scheduled Board of Public Education meetings.

The Board of Public Education, in a joint effort with the Superintendent of the MSDB, made the decision to remove this requirement.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Peter Donovan, Executive Director, Board of Public Education, 46 N. Last Chance Gulch, Helena, Montana, 59601; telephone (406) 444-0300; fax (406) 444-0847; or e-mail pdonovan@mt.gov, and must be received no later than 5:00 p.m., September 4, 2014.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Peter Donovan at the above address no later than 5:00 p.m., September 4, 2014.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 2 persons based on the number of members in the two affected parties. There are 7 Board of Public Education members and 11 MSDB Foundation members.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the board.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Sharon Carroll
Sharon Carroll
Chair
Board of Public Education

Certified to the Secretary of State July 28, 2014.